

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING BOARD  
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL  
ON WEDNESDAY, NOVEMBER 1, 1995**

**Members**

**Present:** Patrick J. Gilmartin, Chairman  
Robert Buford  
William Bush, Secretary  
Joseph Elliot  
Peter Lilienfield

**Also Present:** Kevin J. Plunkett, Village Counsel  
Brenda Livingston & William Hoffman, Ad Hoc  
Planning

Board Members  
Florence Costello, Clerk  
Eugene Hughey, Building Inspector  
Jan Blaire, E.C.B. Member  
Desiree Garvin, Court Reporting Services,  
for Westwood

Development Associates & Mercy College  
Applicants and other persons mentioned in  
these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** 94-03 - Westwood Development  
Associates, Inc.

Sht. 10, 11, Lot 25, 25KP25J2  
**94-24 - RR Irvington Associates**  
Amendment to Lot 27

**95-01 - Stephanie Scott**

Sht. 1, P-5A2  
**95-20 - Peter & Donna Hurwitz**

Sht. 7B, Bl. 248, Lot 3  
**95-21 - RR Irvington Associates**

Amendment to Lot 24  
**Informal Discussion - Mercy College**

The Chairman called the meeting to order at 8:00 p.m.

**IPB Matter #95-20:**

**Hurwitz for Site**

**Plan Approval for property at**

**40 Half Moon Lane.**

**Application of Peter & Donna**

**Development**

Mr. Peter Hurwitz appeared personally for the Application. Applicant submitted Site Sections and Site Elevation , drawing #A1.02, dated October 16, 1995 as requested by Mr. Buford at the October 11, 1995 meeting.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that this application is for a proposed action which is a Type II action under SEQRA and therefore the filing of an Environmental Assessment Form was not necessary.

After discussion on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined that in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all

requirements for Site Development Plan Approval for this Application.

**IPB Matter #95-01:**  
**Scott for Subdivision**

**Application of Stephanie**  
**Approval for property at 6 West**  
**Sunnyside Lane.**

Applicant did not appear.

**INFORMAL DISCUSSION:**      **Mercy College Special Permit**

A complete transcript relating to the discussion with respect to Mercy College's Special Permits was prepared and is incorporated by reference.

The discussion included the Chairman's reading of a prepared statement with regard to the background of this matter, including specifically the use of the Langdon Avenue and more southerly (Our Lady of Victory) entrances to the College. Gerald Reilly, Esq. appearing on behalf of Mercy College responded on behalf of the College. Various members of the public including Robert Meyers, Edward Eivers, and Lori Levy also commented on the situation. After the discussion the Board agreed to place on the agenda for its December meeting an Application for amendment and renewal of the Special Permits held by Mercy College.

**IPB Matter #94-03:**  
**Development**  
**Inc., for Limited Site Development**

**Application of Westwood**  
**Associates,**  
**Plan Approval for property at**  
**Broadway,**  
**Riverview Road and Mountain Road.**

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference.

At this meeting the public hearing on the SEQRA scoping session for the EIS was closed and the scoping outline approved.

IPB Matter #94-24 &  
Associates for  
IPB Matter #95-21  
Plan Approval

Application of RR Irvington  
Amended Site Development  
for Lot #27 and Staging Area  
Approval for  
Lot #24.

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Robert Houlihan, Project Supervisor at Bracebridge, appeared for the Applicant. Peter Lilienfield recused himself from the proceedings.

On behalf of applicant Mr. Steinmetz requested an extension of time to complete the infrastructure of phase 1 of the project. Mr. Ryan explained that approximately 90% of the infrastructure improvements were complete. However, he felt an extension was necessary. The Chairman noted the comments of the ECB relating to the extension as reflected in its letter to the Board of November 1, 1995. Mr. Hughey noted that there was no evidence of erosion notwithstanding the ECB's comments. After further discussion the Board approved the extension to May 31, 1996.

**Amendment to Lot 27 (IPB Matter #94-24)**

The Applicant submitted a revised landscape plan dated August 24, 1995 and revised October 18, 1995. Mr. Ryan explained that the proposed amendment involved expanding the front yard to 27 feet and constructing a placed stone wall with room for planting on the embankment reflected on the site plan. Mr. Ryan also explained that it would be necessary to remove four large trees in connection with the revised plan.

The Board discussed the revision in detail including the ECB's comments as reflected in their letter to the Board of November 1, 1995. After the discussion the amendment was on motion duly made and seconded was approved.

**Lot 24 (IPB Matter #95-21)**

Staging Lot Approval: drawing submitted, Construction Staging Plan (Lot #24), dated October 10, 1995.

Mr. Ryan explained that the Applicant was seeking approval for lot 24 as a construction staging area. He noted the proposed utilization of the lot would occur totally within the limits of disturbance as shown on the submitted plans. He further noted that all storage would be in the rear of the lot with the front part acting as a driveway for ingress and egress. He stated that the Applicant would stabilize the area environmentally and undertake to preserve three large trees on the south end of the property near the limits of disturbance.

After discussion on motion duly made, seconded and approved, the Board approved lot 24 as a staging lot subject to compliance with the undertakings made by the applicant.

**IPB Matter #90-20:**  
**Dedyo for**

**Application of John & Miriam**  
**property at Park Road.**

Mr. John Dedyo requested that the requirement for a Site Development Approval Bond for the installation of improvements be suspended until such time as the Article 78 Appeal by Andrew and Joanna Gurley against the Village, in which Mr. Dedyo has intervened, is decided. Kevin J. Plunkett, Village Counsel, reviewed Village Code Sec. 243-77, and the Planning Board Resolution of Conditional Approval, and advised the Board that there was no legal impediment to the Board granting Mr. Dedyo's request should it decide in its discretion to do so.

On motion duly made, seconded and unanimously adopted, the Board granted the suspension requested until the earlier of thirty (30) days after the final disposition by the Gurley litigation or a request by the Applicant for a building permit prior to commencement of construction..

The Board also considered the following administrative matters:

The Chairman referred to correspondence from the Irvington Fire Department regarding the construction of

culs-de-sac in the RR Irvington Associates and Westwood projects. The Chairman noted that he had responded to the Department indicating they had previously approved the design of the culs-de-sac. The Chairman did note that a field adjustment increasing the turning radius of the cul-de-sac in the RR Irvington Associate project had been approved.

The Chairman referred to a letter from an attorney for Mr. Ramirez relating to the Noshirvani subdivision and indicated that he had referred the matter to Mr. Noshirvani's counsel.

Minutes of the Planning Board, held on October 11, 1995, previously distributed, were, on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for Wednesday, December 6, 1995.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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William Bush, Secretary